



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/470,041

12/22/1999

WILLIAM NG

60021-339701

5695

29838

7590

12/24/2008

OPPENHEIMER WOLFF & DONNELLY, LLP

PLAZA VII, SUITE 3300

45 SOUTH SEVENTH STREET

MINNEAPOLIS, MN 55402-1609

EXAMINER

CHAMPAGNE, LUNA

ART UNIT

PAPER NUMBER

3627

MAIL DATE

DELIVERY MODE

12/24/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/470,041

Applicant(s)

NG ET AL.

Examiner

LUNA CHAMPAGNE

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 51-80 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/28/08 has been entered. Claims 1-50 are cancelled. Claims 51-80 are presented for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 51-80 rejected under 35 U.S.C. 103(a) as being unpatentable over Odom et al. (6,058,379), in view of Purcell (6,081,789), in further view of Porat et al. (7,330,826 B1).

Odom et al. shows, figures 2 and 5, a real-time network exchange system with embodied computer program. Referring to figure 2, in step 205, commodity information is entered by the seller. (a form providing details on products or services) In step 210, the listing information is made accessible to the public. (submitting the form to prompt

the submission of bids) This may include posting information on a world wide web page. (a site on the network) Bids are not transmitted to the host if they are irrelevant. In one embodiment, step 505, the system checks to see if the bidder is an authorized bidder. (authenticating an identity of the buyer, the bid is not processed to the seller if this is not done.) Irrelevant bids may be bids that are less than the current "best" bid. In order to determine if the bid is relevant or not, the system determines what the seller's goal is (categorizing or ranking based on a predetermined criteria) (price, location (geography), etc.) and then determines if the bid is more desirable to the seller than the current "best" bid. If it is, it replaces the "best" bid and the seller may be notified (displaying the categorized bids to the sellers) of the new highest bid. If it is not, the bid is disregarded. Notification may include a bid identifier, an amount and other information. New "best" bids may be broadcast to all participants in the exchange (receiving offers from the sellers and displaying the offers to the buyers). If a potential purchaser owns the "best" bid, he may also be notified of this status. In step 225, the negotiations between the seller and all bidding parties are concluded. Negotiations may be concluded by expiration of the predefined exchange time, through seller intervention, through a match being achieved or other events (interactive, adapted to facilitate negotiations). In step 230, clearing process is performed (closing transaction).

The exchange provider 100 is considered to be the enterprise.

From column 7, lines 56-61, in addition to being internal or external, the clearing may also be direct or indirect. Direct clearing would be used when the items are directly

transferred between the buyer's and the seller's accounts (banks). Indirect clearing would be used when items are transferred to a third party or placed in escrow. (In either case, the limitation of "sending payment from the bank to the seller through the enterprise" is met.)

Odom et al. shows all of the limitations of the claims except for specifying the use of an identifier and password for the buyer and except for checking credit and receiving secondary documents.

Purcell teaches, figure 2, an automated and independently accessible inventory information exchange system. Once the system for managing the information is established, access must be facilitated to both sellers and buyers. As previously described, the host and manager of this system will want only those entities who are approved subscribers to have access. Therefore, an initial step of both sellers and buyers is to solicit authorization for admission into the system from the host administrator or access approvers 12 (for sellers), 15 (for buyers). In an Internet environment, this authorization will be sought electronically by accessing the website or access gates 13, 16 that act as an interface between the information management system and the outside world. After a buyer or seller is approved for access, they will be issued an identifier such as an identification number or name for use when seeking access to the management system through the website. As a further security measure and as is common to many access-upon-request systems, a complimentary password

will also be issued that doubly insures that those parties accessing the information exchange system have been previously authorized by the host. (column 9, lines 14-33)

Based on the teaching of Purcell, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify Odom et al. to incorporate the use of an identifier and password for the buyer in order to facilitate access to the buyers.

Applicant's own specification, pages 1-2, teaches the admitted prior art or "conventional" use of a letter of credit in order to facilitate international trade. The description includes checking credit, a third party local bank, and invoice documentation. Line 24 recites "A letter of credit is usually an irrevocable undertaking by a bank to pay the beneficiary of the letter, ...". The examiner asserts that it is inherent that a bank (the third party) would check a credit before issuing an irrevocable undertaking.

Based on the discussion above, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the "chat option" of Odom et al. system to specify that the real-time communication link may be used to directly and electronically transmit and receive the documents and information to implement the steps of a letter of credit in order to facilitate international trade.

Odom et al., in view of Purcell et al. do not explicitly teach receiving bids from a buyer, the bids detailing product or service requirements including goods description and quantity, wherein the bids do not include a proposed price; receiving bids offers within

the framework from the sellers in response to the bids, wherein the bid offers include a proposed price.

However, Porat et al. teach receiving bids from a buyer, the bids detailing product or service requirements including goods description and quantity, wherein the bids do not include a proposed price (see e.g. col. 26 lines 44-67, col. 27-29); receiving bids offers within the framework from the sellers in response to the bids, wherein the bid offers include a proposed price (see e.g. figs. 38 and 42).

Although Odom et al. address the practice of "best bid". Porat et al. further emphasize the commonality of such practice in the business (*see e.g. col. 31, lines 48-50 – the system also provides an automated recommender to help the buyer identify the best offers according to the buyer's preferences*).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify Odom and Purcell, in include the steps wherein the buyers' bids do not include a proposed price and the seller's bid offers include a proposed price, as taught by Porat et al., in order to provide buyers with competing sellers' offers, minimize their search for products/services and allow them to make the best/ more profitable decision.

Response to Arguments

Applicant's arguments filed 10/28/08 have been fully considered but they are not persuasive. The specific arguments regarding "whether the buyer or the seller submits the proposed price" and "presenting the buyer with the best deal" are all addressed in the rejection via Porat et al. Please see the new rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUNA CHAMPAGNE whose telephone number is (571)272-7177. The examiner can normally be reached on Monday - Friday 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Luna Champagne/
Examiner, Art Unit 3627

December 14, 2008

/F. Ryan Zeender/
Supervisory Patent Examiner, Art Unit 3627